



Rowan County Planning and Development Department

402 North Main Street • Salisbury, N.C. 28144-4341

Building Inspections: 704-216-8619

Planning: 704-216-8588

Fax: 704-638-3130

TO: Chairman Ford and Rowan County Board of Commissioners
FROM: Shane Stewart, Senior Planner
RE: **PE 01-10:** Permit to Exceed Noise Ordinance Standards from
Relay for Life
DATE: March 17, 2010

BOARD OF COMMISSIONERS ACTION

- ☐ Receive Staff Report
- ☐ Comments from applicant
- ☐ Allow public comment regarding application
- ☐ Discuss request
- ☐ Grant / Deny **PE 01-10**

STAFF REPORT

PE 01-10 REQUEST:

The 12th annual Rowan County Relay for Life event will be held on April 30 & May 1, 2010 at the Rowan County Fairgrounds located at 1560 Julian Road Salisbury, NC to benefit the American Cancer Society (see attached application and site plan). While this property is located in the extraterritorial jurisdiction of the City of Salisbury, the county's noise ordinance "governs unreasonable amplified sound" for all areas of the county outside municipal limits.

In general, unreasonable amplified sound is any amplified sound that is unreasonable, frequent and continued which tends to annoy or disturb the quiet of the general public and is plainly audible at a distance of one hundred feet (100') from the source. However, Section 14.12 of the ordinance provides an opportunity to exceed the amplified sound standards in the form of a "permit to exceed" when the event is open to the public.

APPLICATION REVIEW: As provided in Section 14.12 (c) the following criteria shall be considered in issuing or denying an application for a permit to exceed:

1. The timeliness of the application

Finding: Consideration by the Board of Commissioners for an event nearly a month away will provide ample opportunity for the neighbors to

make adjustments to their schedules as necessary. Ample notification has been provided for interested parties of this event as evidenced by item 10 below.

2. The nature of the requested activity

Finding: This event will feature a variety of activities for families, educational information for the benefit, and live music from bands.

3. Previous experience with the applicant.

Finding: No complaints. Since 2002, this event has received annual permits to exceed.

4. The time of the event.

Finding: The event will begin on Friday, April 30th at 6:00PM and end at 7:00 AM on Saturday May 1st, 2010.

5. Other activities in the vicinity of the proposed event.

Finding: None to knowledge.

6. Frequency of the event.

Finding: Annually.

7. Cultural or social benefits of the proposed event.

Finding: This event provides a family-oriented atmosphere to an estimated 10,000 people in hopes of raising money for cancer research.

8. The effect of the activity on any adjacent residential area.

Finding: See attached map of area properties.

9. Previous violations, if any, by the applicant.

Finding: None.

10. Adjoining property owners surrounding the location are notified by the Planning Department or applicant at least seventy-two (72) hours prior to consideration by the Board of Commissioners.

Finding: The Planning Department provided a mailed notice to property owners within 500' of this property and posted a sign on Wednesday, March 17 regarding this application (19 days notice before the BOC meeting and 6 weeks before the event).

STAFF RECOMMENDATION

Staff recommends approval based on compliance with the above 10 items.